

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Information Disclosure Statement

Initially, Applicants have recently received an Office Action in the Japanese counterpart application to the above-identified application. Applicants will be filing an Information Disclosure Statement, together with the Japanese Office Action and the newly cited references, in the near future.

If the Examiner has not yet received said Information Disclosure Statement when reviewing this response, she is kindly requested to contact Applicant's representative, prior to issuing another action.

Claim Amendment

Claim 1 has been amended to delete the phrase "or a copolymer of glycolide with at most 10 wt% of lactide". Thus, the crystalline aliphatic polyester has been restricted to glycolic acid homopolymer.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-7 and 9-12 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that the specification does not provide proper antecedent basis for "said crystalline aliphatic polyester comprises glycolic acid homopolymer or a copolymer of at least 90 wt% of glycolide."

This rejection has been rendered moot by the above-discussed claim amendments. Applicants do not acquiesce to the Examiner's position, but have amended the claim in order to expedite allowance of the application.

Patentability Arguments

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-7 and 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shiiki et al. (EP 0 925 915).

This rejection is respectfully traversed for the following reasons.

The Position of the Examiner

On the last page of the Advisory action, the Examiner maintained the rejection based on Shiiki et al., while raising the following points.

(1) Shiiki et al. disclose the recurring unit of the glycolic acid copolymer (pg. [5], lines 19 - 23). The aliphatic polyester comprises 98 wt. % of glycolide and 2 wt.% of lactide ([0066] and table 1). Shiiki et al. disclose that when the T_m of the polyglycolic acid is lowered, the processing temperature of the polymer can be lowered ([0031]). Therefore, thermal decomposition upon melt processing can be reduced ([0031]). The crystallization rate of the polyglycolic acid can also be controlled by copolymerization to improve its extrudability and stretchability ([0031]).

(2) Shiiki et al. disclose that in order to enhance physical properties, it is essential to keep a parison at a temperature not higher than its melting point, but not lower than its glass transition point, T_g upon stretch blow molding ([0052]). Also, the stretching process in Shiiki et al. is disclosed to orientate the molecular chain to enhance physical properties which would include the melting point of the polyester. Thus, it is necessarily present that there would be an increase in the melting point of the polyester.

Applicants' Arguments

Applicants respectfully disagree with the Examiner's position, for the reasons set forth below.

Regarding point (1), Shiiki et al. refer to nothing more than a lowering in melt-processing temperature, accompanied with a lowering in melting point. However, stretching is not a melt-processing.

Regarding point (2), there is no reason to believe that the physical properties enhanced by stretching taught by Shiiki et al. include an elevated crystal melting point, because stretching is basically known as a process acting on the amorphous portion, and not on the crystalline portion of a polymer.

The stretching temperatures of 45 - 80°C, adopted in Comparative Examples 1- 6 of the present application, are of course between T_m (of ca. 215- 220°C) and T_g (of ca. 38 °C, as indicated at page 11, lines 24 - 25 of the present application), as taught in [0052] of Shiiki et al., and are already much closer to T_g than T_m, but still failed to result in substantial intense stretching effects. On the contrary, substantial intense stretching effects were obtained in Examples 1 - 4 of the present application, which adopted a combination of a lower temperature and a larger stretching ratio.

Thus, Shiiki et al. simply fails to disclose the intense stretching effects as represented by an elevated crystal melting point, which can be attained for the first time as a result of a combination of a stretching temperature just above T_g and a large stretching ratio.

Moreover, as the crystalline aliphatic polyester in claim 1 has been restricted to glycolic acid homopolymer, the Examiner's argument based on glycolic acid copolymer of Shiiki et al. is now untenable.

The Examiner is also respectfully requested to review the comments set forth in the Amendment After Final Rejection, filed August 20, 2009.

For the reasons set forth above, it is evident that the subject matter of Applicants' claims is patentable over the cited reference. Thus, it is respectfully requested that the above-rejection be withdrawn.

Conclusion

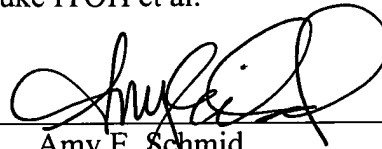
Therefore, in view of the foregoing amendments and remarks, it is submitted that the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Daisuke ITOH et al.

By



Amy E. Schmid
Registration No. 55,965
Attorney for Applicants

AES/emj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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